



LAW OFFICES OF
CORY H. MORRIS
ATTORNEY &
COUNSELOR AT LAW

Via Electronic Case Filing Only

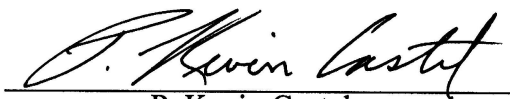
December 27, 2023

Application GRANTED.

SO ORDERED.

12/27/2023

Honorable P. Kevin Castel, U.S.D.J.
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007


P. Kevin Castel
United States District Judge

Re: *Schottenstein et al. v. FDA et al., Capla et al., and
Orthogen International GmbH et als.; 1:22-cv-10883-PKC;*

First Request for an extension of time to respond to Third Pre-Motion Letter

Dear Judge Castel:

The undersigned together with Richard Bruce Rosenthal, Esq. and Jeffrey A. Donner, Esq. represent plaintiffs Douglas Schottenstein, MD and Schottenstein Pain and Neuro, PLLC d/b/a NY Spine in the captioned matter. I write to respectfully request an additional week, until January 4th, 2024, to respond to the December 22nd, 2023 Pre-Motion letter filed by defendants Edward Capla and Yolanda Capla by counsel, Matthew Ford, for which there is no pending conference date set by this Honorable Court.

As of Friday morning, December 22, 2023, we are in receipt of the Pre-Motion Letter submitted by Matthew Ford, Esq. on behalf of the defendants Edward Capla and Yolanda Capla concerning his intention to file a Motion to Dismiss the Third Verified Amended Complaint. Plaintiffs' Letter is submitted in accordance with your Honor's Individual Practices in Civil Cases, Section 1.C. requesting an Extension of Time to respond to the Pre-Motion Letter.

In response to the respective subsections of Section 1.C. of Your Honor's Individual Practice Rules, plaintiffs state as follows:

- i. The extension of time sought is from December 28, 2023 to Thursday, January 4, 2023;

Please send all mail to:

863 Islip Avenue, Central Islip NY 11722

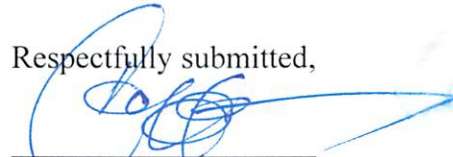
TEL: 631.450.2515 | FAX: 631.223.7377 | WEB: coryhnmorris.com | EMAIL: info@coryhnmorris.com

515 East Las Olas Boulevard, Suite 120 • Fort Lauderdale, FL 33301 *By appointment only*

- ii. Due to prior arrangements, plaintiff's counsel were unavailable during the weekend and holidays to review and did not anticipate the size of subject Pre-Motion Letter, which presents five (5) pages of issues. Counsel require sufficient time to engage in a detailed review to investigate the merit, if any, of the points raised, to prepare an appropriate response reviewing the allegations concerning the newly amended complaint in accordance with Section 3.A.iv. of Your Honor's Individual Practice Rules;
- iii. There has been no prior adjournment or extension of the aforesaid date either sought or granted; and
- iv. Adversary counsel, Mr. Ford, stated on Monday, December 25, 2023, evening that he consents to the requested Extension of Time to Respond.

For the foregoing reasons, we respectfully request that the Extension of Time be granted, and thank your Honor in advance for the Court's consideration of this Request.

Respectfully submitted,



Cory H. Morris, JD MA
LAW OFFICES OF CORY H. MORRIS

*Co-Counsel for Plaintiffs
Douglas Schottenstein and
Schottenstein Pain and Neuro, PLLC
d/b/a NY Spine*

cc: Counsel of Record via CM/ECF